

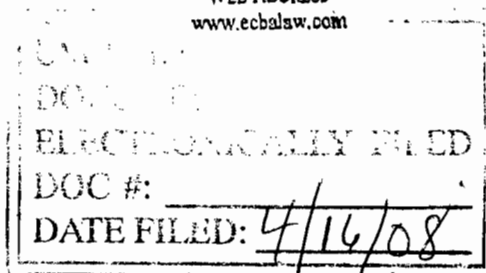
RICHARD D. EMERY  
ANDREW G. CELLI, JR.  
MATTHEW D. BRINCKERHOFF  
JONATHAN S. ABADY  
ILANN M. MAAZEL  
ERIC HECKER  
MARIANN MEIER WANG  
SARAH NETBURN  
KATHERINE ROSENFELD  
O. ANDREW F. WILSON  
ELIZABETH S. SAYLOR  
KENNISHA A. AUSTIN  
DEBRA L. GREENBERGER  
ELORA MUKHERJEE

# EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW  
75 ROCKEFELLER PLAZA  
NEW YORK, NEW YORK 10019

TELEPHONE  
(212) 763-5000  
TELECOPIER  
(212) 763-5001  
WEB ADDRESS  
www.ecbalaw.com

April 16, 2008



## By Facsimile

The Honorable Shira A. Scheindlin  
U.S. District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Coleman v. Cudney, et al.*, 07 Civ. 7790 (SAS)

Dear Judge Scheindlin:

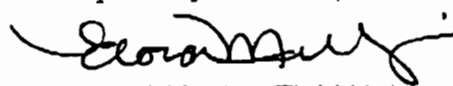
We represent plaintiff Michael Coleman in the above-referenced case. Mr. Coleman represented himself prior to retaining this firm. We were retained last Thursday and filed our notice of appearance on Friday.

With defendants' consent, we write to request leave to file an amended complaint by no later than April 25, 2008. The amended complaint will state a single claim for relief under 42 U.S.C. § 1983 alleging that Mr. Coleman's right to due process was violated by his incarceration for allegedly violating the terms of his post-release supervision because the supervision itself was imposed administratively rather than by the sentencing court. *See Earley v. Murray*, 451 F.3d 71 (2d Cir. 2006) (holding that administrative imposition of post-release supervision violated clearly established Supreme Court precedent) (citing *Hill v. United States ex rel. Wampler*, 298 U.S. 460 (1936) (Cardozo, J.)).

As the Court may recall, defendants had intended to move to dismiss pursuant to Fed. R. Civ. P. 12 (c), and their motion was due April 22, 2008. Because plaintiff no longer intends to pursue the claims that defendants were moving to dismiss, and instead seeks leave to file an amended complaint, the rationale for the motion exists no more.

Thank you for your attention to this matter.

Respectfully submitted,

  
Elora Mukherjee (EM 0921)

Donald Nowwe, Esq. (by email)

*Request granted  
Plaintiff may file  
in amended complaint  
by April 25, 2008*

*So Ordered: [Signature] 4/16/08*